IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1925 OF 2005

Shamrao Bhimrao Patil ...Appellant

Vs.

State of Maharashtra & Another ...Respondents

Mr.A.P.Kulkarni for the Appellant
None for the Respondents.

CORAM: A.S.OKA, J.
DATED: APRIL 17,2006.

P.C.:

1. Heard Shri Kulkarni for the Appellant. The reference Application made under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act of 1894) at the instance of the appellant has been dismissed by the Reference Court on the ground that the same is barred by limitation. The limitation of six weeks is provided under the proviso to Sub Section 2 of Section 18 of the said Act of 1894 for filing application for reference from the date of receipt of notice under Section 12(2) of the said Act of 1894.

2. In the present case, notice under Section 12(2) of the said Act of 1894 was admittedly served on the Appellants on 3rd September 1989. Time of six weeks expired on 15th

October 1989 and admittedly reference application was filed on 18th October 1989.

3. Shri Kulkarni submitted that the Appellant had applied for grant of certified copy of the Award immediately after receiving notice under Section 12(2) of the said Act of 1894 and the same was not supplied till the expiry of the period of limitation of six weeks. He submitted that if the said period is excluded, application for reference is within limitation.

4. In view of the decision of the Division Bench of this Court in the case of Laxmibai Narayan Patil and another vs. State of Maharashtra [(1997) 2 Mh.L.J. page 353], it is well settled that time starts running from the date of receipt of notice under section 12(2) by the claimants and the date of receipt of certified copy of the Award has no relevance.

5. In view of clear pronouncement of law by the Division Bench of this Court, even going by the admitted facts, application for reference was barred by limitation. Therefore, there is no error in the view taken by the Reference Court. First Appeal is dismissed with no order as to costs.

Judge.